

REMARKS

This amendment is being filed in response to the office action having a mailing date of May 17, 2004. Claims 1-4, 6, 8-11, 14-18, 20-22, 28, 30-34, and 37-40 are amended as shown. More specifically, independent claims 1, 18, and 28 are amended to recite certain distinctive subject matter. No new matter has been added. Claims 5, 7, 19, and 29 are cancelled herein without prejudice. With this amendment, claims 1-4, 6, 8-18, 20-28, and 30-40 are pending in the application.

In the Office Action, the Examiner objected to claim 3 because of an informality. Claim 3 has now been amended to address the objection. Claims 14 and 18-27 were rejected under 35 USC §112, second paragraph, as being indefinite. Claims 14 and 18 have been amended to overcome the rejection. Claim 19 has been cancelled. Accordingly, the Examiner's rejections under 35 USC §112, second paragraph are now overcome.

In the Office Action, claims 1-12, 14-17, and 28-40 were rejected under 35 USC §102(b) as being anticipated by a brochure entitled "Secured Smart Card Reader Chip PCC807" (hereinafter "PCC807"). Claims 13 and 18-27 were rejected under 35 USC §103(a) as being unpatentable over PCC807 in view of Challenger (U.S. Patent No. 6,598,032). For the reasons set forth below, the applicants respectfully disagree with these rejections and request that the pending claims be allowed.

A disclosed embodiment will now be discussed in comparison to the applied references. Of course, the discussion of the disclosed embodiment, and the discussion of the differences between the disclosed embodiment and subject matter described in the applied references, do not define the scope or interpretation of any of the claims. Instead, such discussed differences are intended to merely help the Examiner appreciate important claim distinctions discussed thereafter.

An embodiment provides a data transfer device, a feature of which resides in the operation of the control means (20) of the data transfer device (10). That is, the function performed by the control means (20) of selectively enabling data transfer or data exchange between the first interface (11) and the second interface (12) in response to control data received from the first interface (12). *See, e.g.*, Figure 1 of the present application.

In the first or open mode of the data transfer device (10), position (21) of the control means (20), data transfer is handled through the UFE (Unsecured Function Extension) means (24). In the second or secured mode, position (22) of the control means (20), data transfer is handled through the SFE (Secured Function Extension) means (25). *See, e.g.*, page 3, lines 1-14 of the present application.

As disclosed in the application as filed in connection with Figure 3 (such as on page 15, lines 18-24), the data to which the control means respond are the so-called "Smartlets", *e.g.*, SFE program execution data (46) downloaded into the data transfer device (10) from a host device (44), for example. The Smartlets are checked whether they comprise certified data. In the affirmative, the control means (20) operate in order to set the transfer device in the SFE mode. If negative, the control means (20) set the transfer device in the UFE mode.

The PCC807 brochure cited by the Examiner uses a completely different technique and structure. The PCC807 brochure discloses that the secured mode is entered by downloading the application, see backside PCC807 brochure, second paragraph: "Secured mode: KeySmart." With the Smartlet concept of the present application, as can be seen from Figure 3, different Smartlets or SFE execution data 46 may be associated with an application (60). These Smartlets may be erased from the data transfer device (10) after use thereof.

With an embodiment of the present invention, the application as such need not necessarily to be downloaded into the data transfer device. Instead, the Smartlets are downloaded which, when accepted, set the SFE mode and, additionally, may contain data for processing the input data according to a particular data processing function, dependent on the type of input device such as the type of credit card, for example. Accordingly, several different credit cards can be processed or several different protocols can be handled by the data transfer device according to one embodiment of the invention, making the device as flexible as possible to use.

Independent claim 1 has been amended to recite "a control unit for selectively enabling data transfer between said first and second data interfaces in one of an open mode and a secure mode of operation." The claim is further amended to recite that the control data is associated with an application to be processed by said data processing system, and that the control unit is for providing an authentication check on said control data for setting said data

transfer device in either one of the open and the secure modes of operation. As previously discussed above, the PCC807 product enters the secure mode by downloading the application. Amended claim 1 clarifies that it is control data associated with an application, rather than the application itself, that is received and is used for determining whether to set the data transfer device in the secure mode or the open mode.

In amended claim 1, the generic term "control data" has been used for the Smartlets. By interpreting this generic term as clarified above, it will be evident that amended claim 1 is novel over the PCC807 reference. The use of control data (e.g., Smartlets or SFE execution data) for setting the data transfer device in the SFE mode or the UFE mode in the case of an authentication failure of the Smartlet is neither disclosed, taught, or suggested by the PCC807 datasheet. Therefore, amended claim 1 is now allowable.

Independent claim 18 has been amended to recite "a control unit to control data transfer between said first and second data interfaces in one of an open mode and a secure mode of operation." The claim is further amended to recite that the control data is associated with an application to be processed by said data processing system, within said first processing device is configured to provide the control data to set said data transfer device in the secure mode or the open mode based on an authentication check performed on the control data by the control unit. As discussed above, these features are not disclosed, taught, or suggested by PCC807 or any of the other cited references. PCC807 downloads an application and not the control data associated with that application. Furthermore, PCC807 does not disclose a control unit that performs an authentication check on the control data in a manner recited in claim 18.

Adding the reference of Challener to PCC807 does not cure the deficiencies of PCC807. Challener does not deal with the concept of providing secure input/output data, like secure VoIP data. Rather, Challener discloses the use of PIN code transaction for setting up VoIP, and not for secure VoIP data transfer. Accordingly, amended claim 18 is allowable over the cited references.

Independent claim 28 has been amended to recite a control unit for controlling data transfer between said first and second data interfaces in one of an open mode and a secure mode of operation. The claim is further amended to recite that the control data is associated with

an application to be processed by the data processing system, and further recites performing an authentication check on the control data to set the data transfer device in either one of the open and the secure modes of operation. These are features that are clearly not disclosed by any of the cited references, such as PCC807. PCC807 downloads an application rather than the control data associated with that application, and does not perform an authentication check on the control data to set the data transfer device in either the open mode or the secure mode. Accordingly, amended claim 28 is now allowable.

Other amendments are made to both the independent and dependent claims to clarify, where appropriate, that these claims do not fall within the scope of 35 USC §112, sixth paragraph. Furthermore, various dependent claims have been amended to make their terminology consistent with the terminology of the amended independent claims. Dependent claims 5 and 7 are cancelled herein without prejudice, since at least some of their original elements are now recited in amended claim 1. Dependent claims 19 and 29 are cancelled since at least some of their elements are now recited in amended independent claim 18 and 28, respectively.

Overall, none of the references singly or in any motivated combination disclose, teach, or suggest what is recited in the independent claims. Thus, given the above amendments and accompanying remarks, the independent claims are now in condition for allowance. The dependent claims that depend directly or indirectly on these independent claims are likewise allowable based on at least the same reasons and based on the recitations contained in each dependent claim.

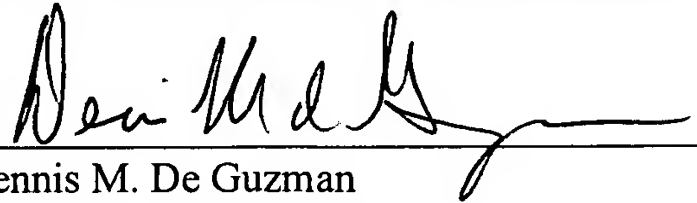
If the undersigned attorney has overlooked a teaching in any of the cited references that is relevant to the allowability of the claims, the Examiner is requested to specifically point out where such teaching may be found. Further, if there are any informalities or questions that can be addressed via telephone, the Examiner is encouraged to contact the undersigned attorney at (206) 622-4900. The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

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All of the claims remaining in the application are now clearly allowable.
Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

A handwritten signature in black ink, appearing to read "Dennis M. De Guzman", is written over a horizontal line.

Dennis M. De Guzman
Registration No. 41,702

DMD:wt

Enclosure:
Postcard

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031

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